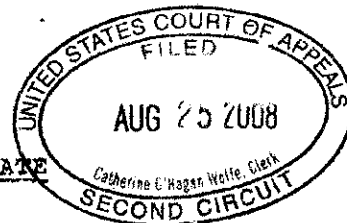


07cv 6677
(JFK)UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUITVENTURADocket No. 08-2792-CVMERRILL LYNCHSTIPULATION WITHDRAWING APPEAL
FROM ACTIVE CONSIDERATION, WITHOUT
PREJUDICE, AND WITH LEAVE TO REACTIVATE

The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn from active consideration from the Court, such withdrawal to be without prejudice to a reactivation of the appeal by appellant's counsel so notifying the Clerk of this Court in writing by Sept. 19, 2008. If not true reactivated, the appeal shall be subject to dismissal with prejudice.

Withdrawal of the appeal from active consideration shall NOT operate as a dismissal of the appeal under FRAP 42(b).

CA
Attorney For Appellant

Christopher J. Gray, PC

by: Christopher J. Gray

Scott D. Musoff / jay

Attorney For Appellee

Skadden, Arps, Slate, Meagher & Flom LLP

by: Scott D. Musoff

SO ORDERED:

FOR THE COURT

Catherine O'Hagan Wolfe, Clerk of Court

By

Stanley A. Bass

Stanley A. Bass, Staff Counsel

Aug. 25, 2008

Counsel: Please print
name and firm under
signature.

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by

DEPUTY CLERK

CERTIFIED:

AUG 26 2008